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S/N 10/017,311

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Burrell, et al.

Serial No.: 10/017,311

Group Art Unit: 2171

Filed: October 30, 2001

Docket No.: 60027.0051US01

Title: Central Inventory Record Reconciliation

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Technology Center 2100

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on January 23, 2003.

By:

Name: Jeramie J. Keys

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

With regard to the above-identified application, the discussion below is brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of this discussion. Consideration of the discussion below is respectfully requested.

Applicants would like to bring the following facts to the attention of the Examiner. Trial embodiments of the present invention were utilized in-house at Bellsouth Corporation starting with a test run in March of 2000 with an incomplete and not fully operable version that did not operate as intended. A revised embodiment that was complete was used in a test run at the central inventory location later in August of 2000 to make up for the faulty and incomplete run of March. The invention was, and continues to be used in-house only and under the control of Bellsouth employees who are the inventors. Those involved in these uses are not permitted to disclose the invention outside of the company.

The first trial use at the central inventory center sets the starting point for the test procedure as it is not determinable from this initial use whether reconciliation of the inventory has occurred. It is only after the second trial use at the central inventory location that a determination can be made as to whether this inventory process embodiment actually performed for its intended purpose, which is to reconcile the

inventory records with the actual numbers of units in inventory after having had a year of ordinary inventory operations occur that may introduce errors in the inventory that the reconciliation process is intended to correct.

Per Bellsouth's inventory procedures, the central inventory center has its inventory reconciled annually. Thus, the trial embodiment did not start the second trial use for the central inventory location until August of 2001, one year after the previous inventory reconciliation that started the test process, and the results of this process were not available for review until September of 2001. It was only at this point in 2001 that the inventors were able to confirm that the invention had worked for its intended purpose which was to reconcile inventory records at the central inventory location with the actual number of units in inventory.

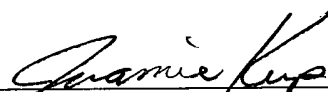
Accordingly, per MPEP 2133.03(e) and the cases cited therein, this use of embodiments of the present invention was experimental well beyond the one year date preceding the filing of this application, as this application was filed on October 30, 2001. Because any use prior to October 30, 2000 was experimental to test whether the invention worked for its intended purpose, this is not a public use under 35 U.S.C. 102(b). Accordingly, Applicants assert that this use is not relevant to the patentability of the claims of this application.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

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Date: January 23, 2003


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